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COMMISSION ON HUMAN RIGHTS

Forty-eighth session
27 January to 6 March 1992

PROVISIONAL AGENDA

Note by the Secretary-General

Duration and venue of the session

1. The forty-eighth session of the Commission on Human Rights will be held at the United Nations Office at Geneva from 27 January to 6 March 1992. The first meeting will be convened at 11 a.m. on Monday, 27 January 1992.

Provisional agenda

2. The provisional agenda, prepared in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, is reproduced below.

Pre-sessional working groups

3. It is expected that the forty-eighth session of the Commission will be preceded by meetings of four working groups in connection with the following items:

(a) Item 12 (c) The Working Group on Situations, composed of five members of the Commission, is scheduled to meet from 20 to 24 January 1992 to examine situations referred to the Commission by the Sub-Commission on

Prevention of Discrimination and Protection of Minorities pursuant to Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970 (Commission resolution 1990/55, Council resolution 1990/41);

(b) Item 10 (c) An open-ended working group established to consider the draft declaration on the protection of all persons from enforced or involuntary disappearance submitted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (Commission resolution 1991/41, Economic and Social Council resolution 1991/27) is scheduled to meet from 28 October to 8 November 1991;

(c) Item 18 An open-ended working group established to complete its second reading of the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities (Commission resolution 1991/61, Economic and Social Council resolution 1991/30) is scheduled to meet from 2 to 13 December 1991;

(d) Item 21 An open-ended working group established to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms (Commission resolution 1991/63, Economic and Social Council resolution 1991/31) is scheduled to meet from 13 to 24 January 1992.

Post-session Bureau meeting

4. Pursuant to Economic and Social Council resolution 1991/48, the Bureau of the forty-eighth session of the Commission on Human Rights will meet in the week following the session to make suggestions about the organization of the work of the Commission, including the effective use of conference time and facilities.

5. Any decisions and resolutions affecting the provisional agenda of the forty-eighth session of the Commission that may be adopted by the General Assembly at its forty-sixth session or by the Economic and Social Council at its organizational session in 1992 will be brought to the attention of the Commission in an addendum to the present document. The annotations to the items listed in the provisional agenda will also be issued in an addendum.

Provisional agenda

1. Election of officers.

2. Adoption of the agenda.

3. Organization of the work of the session.

4. Question of the violation of human rights in the occupied Arab territories, including Palestine.

5. Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts.

6. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist regime in southern Africa.

7. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including: problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development.

8. Question of the realization of the right to development.

9. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation.

10. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:

    (a) Torture and other cruel, inhuman or degrading treatment or punishment;

    (b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

    (c) Question of enforced or involuntary disappearances.

    (d) Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

11. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission:

(a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms;

(b) National institutions for the promotion and protection of human rights;

(c) Coordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights.

12. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

(a) Question of human rights in Cyprus;

(b) Situation of human rights in occupied Kuwait;

(c) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by the Commission at its forty-seventh session.

13. Measures to improve the situation and ensure the human rights and dignity of all migrant workers.

14. Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination.

15. Status of the International Covenants on Human Rights.

16. Effective functioning of bodies established pursuant to United Nations human rights instruments.

17. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-third session.

18. Rights of persons belonging to national, ethnic, religious and linguistic minorities.

19. Advisory services in the field of human rights.

20. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

21. Drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms.

22. Rights of the child, including:

    (a) Status of the Convention on the Rights of the Child;

    (b) Report of the Special Rapporteur on the sale of children;

    (c) Programme of action for the elimination of the exploitation of child labour;

    (d) Draft programme of action for the prevention of the sale of children, child prostitution and child pornography.

23. Election of members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

24. World Conference on Human Rights

25. Draft provisional agenda for the forty-ninth session of the Commission.

26. Report to the Economic and Social Council on the forty-eighth session of the Commission.

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Forty-eighth session
27 January-6 March 1992

ANNOTATIONS TO THE PROVISIONAL AGENDA

Prepared by the Secretary-General

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Item 1. Election of officers

1. Rule 15 of the rules of procedure of the functional commissions of the Economic and Social Council provides that "at the commencement of its first meeting of a regular session the Commission shall elect, from among the representatives of its members, a Chairman, one or more Vice-Chairmen and such other officers as may be required".

Item 2. Adoption of the agenda

2. Rule 7 of the rules of procedure provides that "the Commission shall at the beginning of each session, after the election of its officers, ... adopt the agenda for that session on the basis of the provisional agenda".

3. The Commission will have before it the provisional agenda (E/CN.4/1992/1) prepared by the Secretary-General in accordance with rule 5 of the rules of procedure, as well as the present annotations relating to the items included in the provisional agenda.

Item 3. Organization of the work of the session

4. The attention of the Commission is drawn to the relevant resolutions concerning control and limitation of documentation (inter alia, General Assembly resolution 33/56 and Economic and Social Council resolutions 1981/83 and 1982/50). Furthermore, the Commission will recall that at its last eight sessions it set time-limits for statements. At its forty-seventh session, for example, members of the Commission were limited to one statement of 15 minutes or two statements of 10 minutes per item, observers and non-governmental organizations were limited to one statement of 10 minutes per item, while observer States mentioned in a report and liberation movements could make one statement of 15 minutes or two statements of 10 minutes per item. It was also agreed that, with regard to rights of reply, the practice followed by the General Assembly, namely limitation to two replies, the first of 10 minutes and the second of 5 minutes, would again be observed. In view of the existing financial constraints and the overall reductions imposed, the session must be most carefully planned from the outset, bearing in mind the absolute need for maximum effectiveness in the use of the resources available.

5. The attention of the Commission is also drawn to Economic and Social Council decision 1991/263 of 31 May 1991, by which the Council, taking note of Commission on Human Rights decision 1991/110 of 8 March 1991, decided to authorize, if possible within existing financial resources, 40 fully serviced additional meetings, with summary records, for the forty-eighth session of the Commission. The Council took note of the Commission's decision to request the Chairman, at its forty-eighth session, to make every effort to organize the work of the session within the time normally allotted, the additional meetings to be held only if they prove absolutely necessary.

6. The attention of the Commission is also drawn to item 12 (c) of the provisional agenda (E/CN.4/1992/1), under which the Commission should provide for a special closed meeting in connection with a decision relating to a particular situation.

7. The attention of the Commission is also be drawn to Economic and Social Council resolution 1990/48 of 25 May 1990 in which the Council authorized the Commission to meet exceptionally between its regular sessions, provided that a majority of States members of the Commission so agreed. In addition, the Council recommended that the mandates of the thematic rapporteurs and working groups established or to be established by the Commission should, unless otherwise decided, be of three years' duration. Further, the Council decided that, in the week following the forty-eighth session of the Commission, the Bureau should meet to make suggestions about the organization of the work of the Commission, including the effective use of conference time and facilities.

Working groups

8. The session will be preceded by meetings of the four presessional working groups referred to in E/CN.4/1992/1, paragraph 3 (a) to (d).

Composition of the Commission

9. The composition of the Commission for 1992 is the following. The term of membership of each State expires on 31 December of the year indicated in brackets.

Angola (1995), Argentina (1993), Australia (1993), Austria (1993), Bangladesh (1995), Barbados (1995), Brazil (1992), Bulgaria (1995), Burundi (1993), Canada (1995), Chile (1995), China (1993), Colombia (1995), Costa Rica (1995), Cuba (1995), Cyprus (1995), Czechoslovakia (1993), France (1992), Gabon (1995), Gambia (1993), Germany (1993), Ghana (1992), Hungary (1992), India (1995), Indonesia (1993), Iran (Islamic Republic of) (1995), Iraq (1992), Italy (1992), Japan (1993), Kenya (1995), Lesotho (1995), Libyan Arab Jamahiriya (1995), Madagascar (1992), Mauritania (1993), Mexico (1992), Netherlands (1995), Nigeria (1995), Pakistan (1992), Peru (1993), Philippines (1992), Portugal (1993), Senegal (1992), Somalia (1992), Sri Lanka (1995), Syrian Arab Republic (1995), Tunisia (1995), Union of Soviet Socialist Republics (1995), United Kingdom of Great Britain and Northern Ireland (1995), United States of America (1992), Uruguay (1995), Venezuela (1993), Yugoslavia (1992) and Zambia (1993).

Assistance to Guatemala in the field of human rights

10. The Commission may wish to recall its resolution 1991/51, adopted at its forty-seventh session, in which it requested the Secretary-General to extend the mandate of the independent Expert, Mr. C. Tomuschat, so that he might continue to examine the human rights situation in Guatemala and provide assistance to the Government in the field of human rights, reporting to the Commission on the subject at its forty-eighth session, and decided to consider the question under an item of its agenda to be determined in the light of the above-mentioned report and of the situation of human rights in Guatemala. The Economic and Social Council, in its decision 1991/246 of 31 May 1991, approved the Commission's request.

11. The report of the independent Expert will be before the Commission, at its present session (E/CN.4/1992/5).

Item 4. Question of the violation of human rights in the occupied Arab territories, including Palestine

12. The Commission has been seized of the human rights situation in the territories occupied by Israel as a result of the hostilities of June 1967 every year since its twenty-fourth session (1968).

13. At its forty-seventh session, the Commission adopted resolution 1991/1 A and B and 1991/2 in which it decided to place this item on the agenda of the forty-eighth session as a matter of high priority.

14. The Commission also adopted resolution 1991/3 relevant to this item.

15. At its forty-third session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted resolution 1991/6 on the situation in the Palestinian and other Arab territories occupied by Israel.

16. Attention is also drawn to Economic and Social Council resolution 1991/19 on the situation of and assistance to Palestinian women.

17. In accordance with paragraphs 5 and 6 of resolution 1991/1 A, paragraph 5 of resolution 1991/1 B and paragraph 6 of resolution 1991/2, the Commission will have before it the report of the Secretary-General on the implementation of the said resolutions (E/CN.4/1992/6) and a note by the Secretary-General listing United Nations reports issued between sessions of the Commission that deal with the condition in which the population of the Palestinian and other occupied Arab territories is living (E/CN.4/1992/7). The Commission will also have before it draft resolution X, contained in chapter I, section A of the report of the Sub-Commission (E/CN.4/1992/2-E/CN.4/Sub.2/1991/65).

Item 5. Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts

18. The Ad Hoc Working Group of Experts on southern Africa was established by the Commission on Human Rights in accordance with resolution 2 (XXIII) of 6 March 1967. Since then, the Commission has renewed the mandate of the Ad Hoc Working Group regularly, and most recently at its forty-seventh session by resolution 1991/21. The renewal of the mandate was endorsed by the Economic and Social Council in decision 1991/237. The Ad Hoc Working Group is composed of Mr. Leliel Mikuin Balanda (Zaire), Mr. Armando Entralgo (Cuba), Mr. Felix Ermacora (Austria), Mr. Mulka G. Reddy (India), Mr. Elly E.E. Mtango (United Republic of Tanzania) and Mr. Zoran Pajic (Yugoslavia).

19. At its forty-seventh session, by resolution 1991/21, the Commission requested the Group to continue to examine the situation regarding the violations of human rights in South Africa including, in particular, reports of torture, ill-treatment and deaths of detainees, as well as infringements of trade union rights in South Africa, and submit its interim report to the Commission at its forty-eighth session and its final report at its forty-ninth session. It also requested the Group to submit a brief preliminary report to the General Assembly at its forty-sixth and forty-seventh sessions.

20. By resolution 1991/8, the Commission requested the Group to pay special attention to the question of detention, torture and other inhuman treatment of children in South Africa. On the same matter, the General Assembly, at its forty-fifth session, adopted resolution 45/144, entitled "Torture and inhuman treatment of children in detention in South Africa".

21. In pursuance of these resolutions, the Commission will have before it the Ad Hoc Working Group's interim report (E/CN.4/1992/8).

Item 6. The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist regime in southern Africa

22. This item has been considered by the Commission since its thirtieth session (1974). The item has also been regularly considered by the General Assembly and the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

23. At its forty-seventh session, the Commission adopted resolutions 1991/9 and 1991/17, in which it expressed its appreciation to Mr. Ahmed Khalifa, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, for his updated report containing the list of banks, transnational corporations and other organizations assisting the racist regime of South Africa.

24. Upon the recommendation of the Commission on Human Rights in its resolution 1991/9, the Economic and Social Council, by its resolution 1991/26 of 31 May 1991, invited the Special Rapporteur to continue to update his list and invited the Sub-Commission at its forty-third session and the Commission at its forty-eighth session to consider the revised report.

25. At its forty-third session, the Sub-Commission had before it the updated report of the Special Rapporteur and adopted resolution 1991/1, by which it recommended, through the Commission, that the Economic and Social Council should invite the Special Rapporteur to continue to update his list.

26. It further recommended that the Secretary-General be requested to contact the Government of South Africa with a view to enabling the Special Rapporteur to visit South Africa on a special mission for the puposes of the next updating of the report.

27. At the present session, the Commission will have before it the updated report by the Special Rapporteur (E/CN.4/Sub.2/1991/13 and Add.1).

28. The Commission will also have before it draft resolution I contained in chapter I, section A, of the report of the Sub-Commission (E/CN.4/1992/2-E/CN.4/Sub.2/1991/65).

Item 7. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including: problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development

29. The Commission, by its resolution 2 (XXXI) of 10 February 1975, decided to keep this item on the agenda as a standing item with high priority. In 1989, it modified the original sub-item (a) entitled "Problems related to the right to enjoy an adequate standard of living; the right to development" and decided to consider the right to development under a separate agenda item at its forty-sixth session; it also decided to add to the original sub-item (a) a specific point entitled "Foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development".

30. The Commission, at its forty-seventh session, adopted resolution 1991/13, in which it invited Governments which so desired to provide the Special Rapporteur of the Sub-Commission with their comments and the information at their disposal about their experience concerning the impact of economic adjustment policies arising from foreign debt on the enjoyment of human rights and invited the Sub-Commission to submit the third report of the Special Rapporteur to the Commission at its forty-eighth session. Also, at its forty-seventh session, the Commission adopted resolution 1991/18 in which it welcomed the contribution of the Committee on Economic, Social and Cultural Rights, which continued to give impetus to the implementation of the economic, social and cultural rights contained in the Covenant. Further, it requested the Secretary-General to organize, under the United Nations programme of human rights activities in 1992-1993, an expert seminar for discussion of appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights.

31. Reference may also be made to Commission resolution 1991/19 entitled "Respect for the right of everyone to own property alone as well as in association with others", in which the Commission requested its Chairman to entrust an independent expert with the task of preparing a study, within the existing financial resources, on the means whereby and the degree to which respect for the right to own property alone as well as in association with others contributed to the development of individual liberty and initiative, which served to foster, strengthen and enhance the exercise of other human rights and fundamental freedoms, and requested that a preliminary report be submitted to the Commission at its forty-eighth session and the final report at its forty-ninth session. The Economic and Social Council endorsed the Commission's request. On 29 August 1991, the Chairman appointed Mr. Luis Valencia Rodriguez (Ecuador) as Special Rapporteur of the Commission.

32. At its forty-third session, the Sub-Commission had before it the second progress report of the Special Rapporteur on realization of economic, social and cultural rights, Mr. Danilo Türk, (E/CN.4/Sub.2/1991/17) and adopted resolution 1991/27. In that resolution, the Sub-Commission endorsed the preliminary recommendations contained in paragraphs 229 to 236 of the Special Rapporteur's report and requested him to submit his final report to the Sub-Commission at its forty-fourth session.

33. The Sub-Commission also adopted resolution 1991/28 entitled "Human rights dimensions of population transfer, including the implantation of settlers and settlements".

34. In regard to this item, the Commission will have before it the second progress report of the Special Rapporteur (E/CN.4/Sub.2/1991/17) and the preliminary report of the independent Expert (E/CN.4/1992/9).

Item 8. Question of the realization of the right to development

35. The Commission in its resolution 1989/45 decided to include this item on the agenda of its forty-sixth session.

36. The Declaration on the Right to Development was proclaimed by the General Assembly at its forty-first session in resolution 41/128 of 4 December 1986. The Working Group of Governmental Experts on the Right to Development, established by the Commission on Human Rights in 1981, had held nine sessions in the period preceding the adoption of the Declaration, to the content of which it contributed. Subsequent to the proclamation of the Declaration, the Working Group has held three sessions, in January 1987, 1988 and 1989, prior to the sessions of the Commission on Human Rights.

37. In accordance with Commission resolution 1989/45, endorsed by the Economic and Social Council in decision 1989/141, the Secretary-General organized a global consultation on the right to development which took place from 8 to 12 January 1990, at Geneva.

38. At its forty-seventh session, the Commission adopted resolution 1991/15, in which it requested the Secretary-General to submit to the Commission on Human Rights at its forty-eighth session concrete proposals on the effective implementation and promotion of the Declaration on the Right to Development, taking into account the views expressed on the issue at the forty-seventh session of the Commission as well as any further comments and suggestions that might be submitted on the basis of paragraph 3 of Commission resolution 1990/18.

39. At its present session, the Commission will have before it in connection with this item the report of the Secretary-General in accordance with resolution 1991/15 (E/CN.4/1992/10 and Add.1).

Item 9. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation

40. This item has been on the Commission's agenda since 1975. At its forty-seventh session, the Commission adopted the following resolutions under

this item: 1991/4, entitled "Situation in Afghanistan"; 1991/5, entitled "Question of Western Sahara"; 1991/6, entitled "Situation in occupied Palestine"; 1991/7, entitled "Use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination"; and decision 1991/104, entitled "Situation in Cambodia". In resolutions 1991/4, 1991/5, 1991/6, 1991/7 and decision 1991/104, the Commission decided to keep these situations under review at its forty-eighth session.

41. The Commission will have before it a report of the Secretary-General prepared in accordance with Commission resolution 1991/6 (E/CN.4/1992/11).

Special Rapporteur on the question of mercenaries

42. At its forty-third session, the Commission, by resolution 1987/16, decided to appoint for one year a Special Rapporteur to examine the question of the use of mercenaries as a means of violating human rights and of impeding the exercise of the right of peoples to self-determination. On 1 September 1987, the Chairman of the Commission appointed Mr. Enrique Bernales Ballesteros (Peru) as Special Rapporteur of the Commission on the question of mercenaries.

43. At its forty-sixth session, the Commission adopted resolution 1990/7, in which it extended the mandate of the Special Rapporteur for two years. At its forty-seventh session, the Commission adopted resolution 1991/7, entitled "Use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination", in which it requested the Special Rapporteur to submit his report to the Commission at its forty-eighth session, and a preliminary report to the General Assembly at its forty-sixth session. The Economic and Social Council approved this request by its decision 1991/233.

44. The report of the Special Rapporteur to the Commission is contained in document E/CN.4/1992/12.

Item 10. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:

(a) Torture and other cruel, inhuman or degrading treatment or punishment;

(b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(c) Question of enforced or involuntary disappearances;

(d) Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Question of human rights and states of emergency

45. The attention of the Commission is drawn to the work of the Sub-Commission on this question. A fourth annual report and a list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, was submitted by the Special Rapporteur on human rights and states of emergency, Mr. Leandro Despouy, to the Sub-Commission at its

forty-third session (E/CN.4/Sub.2/1991/28). In its resolution 1991/18, the Sub-Commission invited the Special Rapporteur to update his report so that the Commission, at its forty-eighth session, would have before it the most recent and accurate information available, and recommended, through the Commission on Human Rights, to the Economic and Social Council that it endorse the request of the Sub-Commission to the Special Rapporteur to continue to update the list of states of emergency and to include in his annual report to the Sub-Commission and the Commission the completed draft standard provisions on emergency situations.

46. The Commission will have before it the revised and updated report (E/CN.4/Sub.2/1991/28/Rev.1), and draft decision 1, contained in chapter I, section B of the report of the Sub-Commission (E/CN.4/1992/2-E/CN.4/Sub.2/1991/65).

Staff members of the United Nations and specialized agencies in detention

47. Both the Commission and the Sub-Commission have dealt with the detention, disappearance and death in detention of United Nations staff members. In its resolution 1991/37, the Commission requested the Secretary-General to continue his efforts to ensure that the human rights, privileges and immunities of United Nations staff members, experts and their families were fully respected. It also requested him to submit to the Commission, at its forty-eighth session, an updated version of the report on the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will, including those cases which had been successfully settled since the presentation of the last report.

48. The Sub-Commission, at its fortieth session, had before it, pursuant to its resolution 1987/21, a report of the Secretary-General on this subject. It adopted resolution 1988/9, in which it decided to entrust one of its members, Mrs. Maria Concepción Bautista, with the task of undertaking an examination of violations of human rights of staff members of the United Nations system.

49. At its forty-third session, the Sub-Commission adopted resolution 1991/17, in which it invited Ms. Bautista to continue her study in order to submit to the Sub-Commission, at its forty-fourth session, a final report which would include practical recommendations for measures to improve on a long-term basis the protection of personnel of the United Nations system and their families, as well as of experts and consultants.

Right to freedom of opinion and expression

50. At its forty-sixth session, the Commission adopted resolution 1990/32, in which it endorsed the appointment by the Sub-Commission of Mr. Louis Joinet and Mr. Danilo Türk to prepare a study on the right to freedom of opinion and expression and decided to review the question at its forty-seventh session on the basis, inter alia, of a preliminary report of the Special Rapporteurs. The Economic and Social Council endorsed the recommendation of the Commission in its resolution 1990/35.

51. At its forty-seventh session, the Commission adopted resolution 1991/32, in which it welcomed the intention of the Special Rapporteurs to study in

greater detail measures necessary for the strengthening and promotion of the right to freedom of expression, inter alia, the concept of a democratic society, the relationship between the right to freedom of opinion and expression and the right to freedom of association and peaceful assembly and the right to take part in Government. It also decided to review the question at its forty-eighth session on the basis, inter alia, of the updated preliminary report submitted by the Special Rapporteurs to the Sub-Commission at its forty-third session.

52. The Sub-Commission, at its forty-third session, had before it the updated preliminary report of the Special Rapporteurs (E/CN.4/Sub.2/1991/9). In its resolution 1991/39, the Sub-Commission decided to invite the Special Rapporteurs to continue the work with which they had been entrusted and to submit to the Sub-Commission, at its forty-fourth session, a report which includes conclusions and recommendations, taking into account all the comments made during the discussion on the updated preliminary report.

53. At the present session, the Commission will have before it the updated preliminary report of Mr. Joinet and Mr. Türk (E/CN.4/Sub.2/1991/9) and draft decision 15, contained in chapter I, section B of the report of the Sub-Commission (E/CN.4/1992/2-E/CN.4/Sub.2/1991/65).

The independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

54. At its forty-fifth session the Commission adopted resolution 1989/32, in which it expressed its appreciation and thanks to the Special Rapporteur of the Sub-Commission, Mr. L.M. Singhvi, for his study on this subject (E/CN.4/Sub.2/1985/18 and Add.1-6) and for his draft declaration (E/CN.4/Sub.2/1988/20/Add.1 and Add.1/Corr.1), and invited Governments to take into account the principles set forth in the draft declaration in implementing the Basic Principles on the Independence of the Judiciary. The Commission also recommended that Governments should provide for the protection of practising lawyers against undue restrictions and pressures in the exercise of their functions, and welcomed the decision of the Sub-Commision to consider the agenda item entitled "Draft declaration on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers" at its forty-first session. The Commission further requested the Sub-Commission, under the said agenda item, to consider effective means of monitoring the implementation of the Basic Principles on the Independence of the Judiciary and the protection of practising lawyers.

55. At its forty-seventh session, the Commission adopted resolution 1991/39 in which it endorsed the decision of the Sub-Commission to entrust Mr. Louis Joinet with the preparation of a report on strengthening the independence of the judiciary and the protection of practising lawyers.

56. At its forty-third session, the Sub-Commission had before it the report prepared by Mr. Joinet (E/CN.4/Sub.2/1991/30 and Add.1-4) and adopted resolution 1991/35, in which it endorsed the recommendations contained in paragraphs 303 to 305 of that report. The Sub-Commission also decided to entrust Mr. Joinet with the preparation of a report to bring to the attention

of the Sub-Commission information on practices and measures which had served to strengthen or to weaken the independence of the judiciary and the legal profession.

57. At its present session, the Commission will have before it draft resolution VII contained in chapter I, section A, of the report of the Sub-Commission (E/CN.4/1992/2-E/CN.4/Sub.2/1991/65).

Draft declaration on enforced or involuntary disappearances

58. The question of a draft declaration against unacknowledged detention of persons was examined at the thirty-ninth and fortieth sessions of the Sub-Commission by its sessional Working Group on Detention (see E/CN.4/Sub.2/1987/15 and E/CN.4/Sub.2/1988/28) pursuant to Commission decision 1986/106 and Commission resolutions 1987/33 and 1988/33, paragraph 5. In paragraph 7 of the latter resolution, the Commission called upon its special rapporteurs and working groups to give particular attention to questions relating to the effective protection of human rights in the administration of justice, in particular with regard to unacknowledged detention of persons.

59. The Working Group on Detention, at its 1988 and 1989 sessions, gave consideration to a draft declaration on the protection of all persons from enforced or involuntary disappearances (see E/CN.4/Sub.2/1988/28, annex I and E/CN.4/Sub.2/1989/29/Rev.1, annex I). At its 1990 session, the Working Group adopted the draft declaration (E/CN.4/Sub.2/1990/32, annex) and submitted it to the Sub-Commission, which, in its resolution 1990/33, adopted the draft declaration and transmitted it to the Commission with the recommendation that it be endorsed and submitted to the Economic and Social Council and the General Assembly for final adoption.

60. At its forty-seventh session, the Commission adopted resolution 1991/41, in which it decided to establish an open-ended inter-sessional working group to consider the draft declaration submitted by the Sub-Commission, with a view to its adoption by the Commission at its forty-eighth session. The Economic and Social Council endorsed the decision of the Commission in its resolution 1991/27.

61. At the present session the Commission will have before it the report of the Working Group on the Draft Declaration on Enforced or Involuntary Disappearances (E/CN.4/1992/19).

Hostage-taking

62. At its forty-seventh session, the Commission adopted resolution 1991/40, in which it decided to remain seized of the question at its forty-eighth session.

Human rights in the administration of justice

63. At its forty-fourth session, the General Assembly adopted resolution 44/162, in which it requested the Commission to invite the

Sub-Commission to study the practical implementation of United Nations norms and standards in the administration of justice and human rights.

64. At its forty-seventh session, the Commission adopted resolution 1991/34, in which it requested the Secretary-General to establish a consolidated list of provisions in the various United Nations standards relating to human rights in the administration of justice with a view to drafting model texts for national legislation. The Commission also invited the Sub-Commission, on the basis of the consolidated list, to study the implementation of United Nations norms and standards in that field; to identify problems that might impinge on the effective implementation of those norms and standards; to recommend viable solutions with action-oriented proposals to the Commission; to take the necessary action with a view to elaborating model texts for national legislation for the effective implementation of standards relating to human rights in the administration of justice; and to consider the question of the effectiveness of habeas corpus and similar remedies during states of emergency and to formulate suggestions thereon. It further requested the Sub-Commission to report to the Commission at its forty-eighth session on the implementation of the above-mentioned resolution.

Right to a fair trial

65. At its forty-seventh session, the Commission adopted resolution 1991/43, in which it endorsed the decision of the Sub-Commission to entrust Mr. Stanislas Chernichenko and Mr. William Treat with the preparation of a study entitled "The right to a fair trial: current recognition and measures necessary for its strengthening". It also requested the Special Rapporteurs to draft a questionnaire on the right to a fair trial and requested the Secretary-General to transmit the questionnaire with the brief report to Governments, the specialized agencies and non-governmental organizations and to transmit the responses to the Special Rapporteurs for consideration in connection with their study. The Economic and Social Council, in its resolution 1991/28, requested the Special Rapporteurs to submit a preliminary report to the Sub-Commission at its forty-third session and to the Commission at its forty-eighth session.

66. At its forty-third session, the Sub-Commission adopted resolution 1991/14, in which it requested the Special Rapporteurs to continue the preparation of their study.

67. At the present session the Commission will have before it the report of Mr. Chernichenko and Mr. Treat (E/CN.4/Sub.2/1991/29) and draft resolution II contained in chapter I, section A of the report of the Sub-Commission (E/CN.4/1992/2-E/CN.4/Sub.2/1991/65).

Question of arbitrary detention

68. At its forty-seventh session, the Commission adopted resolution 1991/42, in which it decided to create, for a three-year period, a working group composed of five independent experts, with the task of investigating cases of detention imposed arbitrarily or otherwise inconsistently with relevant international standards and that the working group, in carrying out its mandate, should seek and receive information from Governments,

intergovernmental and non-governmental organizations, and should receive information from the individuals concerned, their families or their representatives. It also requested the working group to present a comprehensive report to the Commission at its forty-eighth session. The Economic and Social Council, in its decision 1991/243, approved the Commission's decision. On 3 July 1991, the Chairman of the Commission appointed the following persons as members of the Working Group: Mr. Roberto Garreton (Chile), Mr. Louis Joinet (France), Mr. Laïty Kama (Senegal), Mr. Kapil Sibal (India) and Mr. Peter Uhl (Czechoslovakia). At its first session, the Working Group elected Mr. L. Joinet as its Chairman/Rapporteur and Mr. R. Garreton as its vice-chairman. The report of the Working Group is contained in document E/CN.4/1991/20.

Other matters

69. In connection with agenda item 10, the Commission may wish to note the following resolutions adopted by the Sub-Commission at its forty-third session: resolution 1991/16, entitled "The application of international standards concerning the human rights of detained juveniles", and resolution 1991/25, entitled "The right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms".

Sub-item (a) Torture and other cruel, inhuman or degrading treatment or punishment

70. This item has been considered annually since 1984 by the Commission and has also been regularly considered by the General Assembly and the Sub-Commission on Prevention of Discrimination and Protection of Minorities. Action taken by the General Assembly so far has included adoption of a declaration and a convention against torture, adoption of the Code of Conduct for Law Enforcement Officials, the Principles of Medical Ethics Relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Body of Principles for the Protection of all Persons under any Form of Detention or Imprisonment, and the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty.

Special Rapporteur on torture

71. At its forty-first session, the Commission, in its resolution 1985/33, decided to appoint for one year a special rapporteur to examine questions relevant to torture. The Chairmen of the Commission subsequently appointed Mr. Peter Kooijmans (Netherlands) as Special Rapporteur of the Commission on the question of torture. His mandate was subsequently renewed in Commission resolutions 1986/50, 1987/29, 1988/32 and most recently in resolution 1990/34 for two years.

72. The Commission, at its forty-seventh session, adopted resolution 1991/38, in which it decided that the Special Rapporteur, in carrying out his mandate should continue to seek and receive credible information from Governments, the specialized agencies, and intergovernmental and non-governmental organizations.

73. At its present session the Commission will have before it the main report of the Special Rapporteur (E/CN.4/1992/17) and a report on his visit to Indonesia following an invitation from the Government of that country (E/CN.4/1992/17/Add.1).

United Nations Voluntary Fund for Victims of Torture

74. The United Nations Voluntary Fund for Victims of Torture was established in December 1981 by the General Assembly (resolution 36/151) for the purpose of receiving voluntary contributions for distribution, through established channels of assistance, as humanitarian, legal and financial aid to individuals who had been tortured and to their relatives. In its resolution 1991/36, the Commission expressed its gratitude and appreciation to those Governments, organizations and individuals that had already contributed to the Fund and appealed to those in a position to do so to respond favourably to requests for contributions, if possible on a regular basis. The Commission also requested the Secretary-General to keep it informed of the operations of the Fund on an annual basis.

75. The Commission will have before it the report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture presented to the General Assembly at its forty-sixth session (A/46/) and a further report (E/CN.4/1992/16) covering any developments that may have occurred following the submission of the report to the Assembly.

Sub-item (b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

76. In its resolution 1991/35, the Commission requested the Secretary-General to continue submitting to the General Assembly and to the Commission annual reports on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was opened for signature on 4 February 1985 and entered into force on 26 June 1987. The Commission will have before it the report of the Secretary-General on the status of the Convention (E/CN.4/1992/15).

Sub-item (c) Question of enforced or involuntary disappearances

77. In pursuance of General Assembly resolution 33/173, the Commission, by resolution 20 (XXXVI) of 29 February 1980, decided to establish for a period of one year a working group consisting of five of its members, to serve as experts in their individual capacities, to examine questions relevant to enforced or involuntary disappearances of persons. At its thirty-seventh to forty-first sessions, the Commission extended the term of the Working Group's mandate by one year.

78. At its forty-sixth session, in resolution 1990/30, the Commission decided to extend the Working Group's mandate for two years. At the forty-seventh session, in resolution 1991/41, the Working Group was requested to report on its work to the Commission at its forty-eighth session. The Working Group is made up of Mr. Toine van Dongen (Netherlands), Mr. Jonas K.D. Foli (Ghana), Mr. Aga Hilaly (Pakistan), Mr. Diego García-Sayán (Peru) and Mr. Ivan Tosevski (Yugoslavia).

79. The Commission will have before it the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1992/18 and Add.1).

Sub-item (d) Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

80. The draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was submitted by Costa Rica on 6 March 1980 and is designed to establish a system of visits by a committee of experts to places of detention within the jurisdiction of the States parties to the protocol. At its forty-fifth session, in decision 1989/104, the Commission, deferred until its forty-seventh session consideration of the draft optional protocol, which it believed could represent a major step forward towards the effective prevention of torture. At its forty-seventh session, in decision 1991/107, the Commission, having taken note of the draft optional protocol as updated and submitted by Costa Rica on 22 January 1991, decided, in order to give States an opportunity to study it, to consider the draft optional protocol at its forty-eighth session.

Item 11. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission:

(a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

(b) National institutions for the promotion and protection of human rights

(c) Coordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights

81. The item on the further promotion and encouragement of human rights and fundamental freedoms has been on the agenda of the Commission since 1963 (Commission resolution 8 (XIX)). The title of the item was modified by the addition of the subject of alternative approaches in pursuance of General Assembly resolution 32/130 of 16 December 1977. Regional arrangements and national institutions are also considered by the Commission under this item.

Sub-item (a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

82. At its forty-seventh session, the Commission adopted resolution 1991/23, entitled "Developments relating to the activities of the Centre for Human Rights" in which it requested the Secretary-General to submit, through the Economic and Social Council, a report on developments relating to the Centre for Human Rights, to the forty-sixth session of the General Assembly and decided to reconsider the question at its forty-eighth session.

83. The attention of the Commission is also drawn to its resolution 1991/24, entitled "Development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights", in which it requested the Secretary-General to submit to the Commission, at its forty-eighth session, a report on public information activities with special emphasis on the activities of the World Campaign, including details of the costs incurred in 1991 and the budget envisaged for future activities, as well as a further assessment of the impact of the World Campaign activities undertaken by the United Nations in the field of human rights and decided to continue its consideration of the question at its forty-eighth session.

84. The attention of the Commission is also drawn to its resolution 1991/25, entitled "Internally displaced persons", in which it requested the Secretary-General to submit to the Commission at its forty-eighth session an analytical report on internally displaced persons, taking into account the protection of human rights of internally displaced persons, based on information submitted by Governments, the specialized agencies, relevant United Nations organs, regional and intergovernmental organizations, the International Committee of the Red Cross and non-governmental organizations, and decided to consider this matter at its forty-eighth session.

85. The attention of the Sub-Commission should also be drawn to its resolution 1991/26, entitled "International cooperation in solving international problems of a social, cultural or humanitarian character, and in promoting and encouraging universal respect for, and observance of, human rights and fundamental freedoms", in which it invited all States and international organizations to submit to the Secretary-General their comments and views on ways and means of strengthening international cooperation in solving international problems of a social, cultural or humanitarian character, and in promoting and encouraging universal respect for and observance of human rights and fundamental freedoms, for consideration by the Commission at its forty-eighth session.

86. At its forty-seventh session, the Commission also adopted resolution 1991/28, entitled "Regional arrangements for the promotion and protection of human rights in the Asian-Pacific region", in which the Commission requested the Secretary-General to consult the States in the Asian-Pacific region on the widest possible basis in the implementation of that resolution and to submit a further report to the Commission at its forty-eighth session.

87. The attention of the Commission is drawn to its resolution 1991/29, entitled "Consequences on the enjoyment of human rights of acts of violence committed by armed groups that spread terror among the population and by drug traffickers", in which it requested all special rapporteurs and working groups to continue paying particular attention to the adverse effect on the enjoyment of human rights of acts of violence committed by armed groups and by drug traffickers, in their forthcoming reports to the Commission on the situation of human rights in those countries where such acts occur. In accordance with the request made in the resolution the Secretary-General continued to collect information on this question and has made it available to the special rapporteurs and working groups.

88. The attention of the Commission is also drawn to resolution 1991/31, entitled "Human rights and thematic procedures" in which the Commission encouraged thematic Special Rapporteurs and the Working Group on Enforced or Involuntary Disappearances to follow closely the progress made by Governments in their investigations carried out within their respective mandates. The Secretary-General brought resolution 1991/31 to the attention of the Special Rapporteurs/Representatives and Working Groups concerned. Attention is also drawn to resolution 1991/79, entitled "Strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity".

89. At its present session, the Commission will have before it the reports of the Secretary-General pursuant to resolutions 1991/22 (E/CN.4/1992/21), 1991/24 (E/CN.4/1992/22), 1991/25 (E/CN.4/1992/23) and 1991/28 (E/CN.4/1992/24).

Sub-item (b) National institutions for the promotion and protection of human rights

90. At its forty-fourth session, the General Assembly adopted resolution 44/64, in which it requested the Secretary-General to prepare, with the assistance of experts, if necessary, and including materials submitted by Governments, a report containing conceptual models of national institutions for the promotion and protection of human rights, to be submitted to the Commission on Human Rights at its forty-seventh session. It invited the Secretary-General to include in his updated report all the information provided by Governments and any additional information that Governments might wish to provide, with particular emphasis on the functioning of various models of national institutions in implementing international standards on human rights, as well as a list of existing national institutions with contact points and a bibliography of relevant materials.

91. At its forty-seventh session, the Commission adopted resolution 1991/27, in which it requested the Centre for Human Rights to continue its efforts in order to enhance cooperation between the United Nations and regional and national institutions. It welcomed the decision of the Secretary-General to convene a workshop in 1991 and requested the Secretary-General to publicize the proceedings of that meeting and to make use of the results in the finalization of the manual on national institutions under preparation by the Centre for Human Rights.

Sub-item (c) Co-ordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights

92. At its forty-seventh session, the Commission adopted resolution 1991/22, in which it decided to discuss the question of the coordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights at its forty-eighth session.

Item 12. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

(a) Question of human rights in Cyprus;

(b) Situation of human rights in occupied Kuwait;

(c) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided for in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations.

93. By resolution 1164 (XLI) of 5 August 1966, the Economic and Social Council welcomed the decision of the Commission in its resolution 2 B (XXII) of 25 March 1966 to consider, at its twenty-third session, the question of its tasks and functions and its role in relation to violations of human rights. In resolution 2144 A (XXI) of 26 October 1966, the General Assembly invited the Council and the Commission to give urgent consideration to ways and means of improving the capacity of the United Nations to put a stop to violations of human rights wherever they might occur. Pursuant to these resolutions, the Commission adopted resolution 8 (XXIII) of 16 March 1967, in which it decided to give annual consideration to an item on the question of violations of human rights and fundamental freedoms. The title of the item was later modified by the Commission. Subsequently, the Economic and Social Council adopted resolutions 1235 (XLII) and 1503 (XLVIII) on the question of violations of human rights and fundamental freedoms.

94. In resolution 32/130, the General Assembly decided that, in approaching human rights questions within the United Nations system, the international community should accord, or continue to accord, priority to the search for solutions to the mass and flagrant violations of human rights of peoples and persons affected by various situations referred to in the resolution. The Assembly reiterated those views in subsequent resolutions, including resolution 37/199. In resolution 34/175, entitled "Effective action against mass and flagrant violations of human rights", the Assembly urged the appropriate United Nations bodies, within their mandates, particularly the Commission, to take timely and effective action in existing and future cases of mass and flagrant violations of human rights. By resolution 37/200, the General Assembly urged all States to cooperate with the Commission in its study of violations of human rights and fundamental freedoms in any part of the world and requested the Commission to continue its efforts to improve the capacity of the United Nations system to take urgent action in cases of serious violations of human rights.

Sub-item (a) Question of human rights in Cyprus

95. This question was first considered by the Commission at its thirty-second session, when it adopted resolution 4 (XXXIII) of 27 February 1976. The Commission has had this question on its agenda since then; at its forty-seventh session, by decision 1991/106, the Commission decided to postpone debate on the sub-item to its forty-eighth session and to give it due

priority. It requested the Secretary-General to provide a report to the Commission regarding the implementation of its previous resolutions on the subject. At its present session the Commission will have before it the report of the Secretary-General (E/CN.4/1992/25).

Sub-item (b) Situation of human rights in occupied Kuwait

96. At its forty-seventh session, the Commission adopted resolution 1991/67, in which it decided to appoint an individual of recognized international standing as special rapporteur with a mandate to examine human rights violations committed in occupied Kuwait by the invading and occupying forces of Iraq and to report to the General Assembly as soon as possible and to the Commission at its forty-eighth session. The Economic and Social Council, in its decision 1991/251, approved the Commission's decision. On 3 May 1991, the Chairman of the Commission appointed Mr. Walter Kalin (Switzerland) as Special Rapporteur on the situation of human rights in occupied Kuwait. At the present session the Commission will have before it the report of the Special Rapporteur (E/CN.4/1991/26).

Sub-item (c) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided for in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations

97. By resolution 1503 (XLVIII) of 27 May 1970, the Economic and Social Council established a procedure for dealing with communications concerning alleged violations of human rights. Particular situations referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities under Council resolution 1503 (XLVIII) were placed before the Commission for the first time at its thirtieth session in 1974. Since then, particular situations relating to 47 countries have been placed before the Commission under the procedure.

98. Since its thirtieth session in 1974 (see Commission decision 3 (XXX) of 6 March 1974), the Commission annually set up a working group of five of its members, due account being taken of considerations of geographical distribution, to meet for one week prior to the Commission's following session to examine the particular situations referred to the Commission by the Sub-Commission under Council resolution 1503 (XLVIII) and those situations of which the Commission was seized under that procedure, and to make recommendations to the Commission on the course of action to take in respect of each particular situation. By resolution 1990/41 of 25 May 1990, the Economic and Social Council, acting on the recommendation contained in Commission resolution 1990/55 of 7 March 1990, authorized the establishment of the working group, to be referred to as the Working Group on Situations, on a permanent basis, instead of the earlier ad hoc basis.

99. At its thirtieth session, the Commission decided that the Governments concerned should henceforth be invited to submit written observations relating to the particular situations referred to the Commission (decision 3 (XXX), para. 4).

100. In 1978, the Commission decided to issue invitations, during the first week of each session, to the States directly concerned, asking them to send representatives to address the Commission and to answer any questions put by members of the Commission (decision 5 (XXXIV)).

101. In 1979, the Commission decided to authorize its Working Group on Situations in future to communicate the text of the relevant recommendations as soon as possible to the Governments directly concerned, in order to facilitate their participation in the examination of the situations concerning their countries, as provided for in Commission decision 5 (XXXIV) (decision 14 (XXXV)).

102. In 1980, the Commission decided that the States invited to attend the closed meeting of the Commission under Council resolution 1503 (XLVIII) should have the right to attend and to participate in the entire discussion of the situation concerning them, and to be present during the adoption of the final decision taken in regard to that situation (decision 9 (XXXVI) of 7 March 1980).

103. All actions taken under the procedure governed by Council resolution 1503 (XLVIII) remain confidential until such time as the Commission may decide to make recommendations to the Council. The documentation pertaining to the procedure is also confidential.

104. At its forty-eighth session, the Commission will have before it the report of the Working Group on Situations, as well as other confidential documents pertaining to the sub-item, including the confidential report of the forty-third session of the Sub-Commission (E/CN.4/1992/R.1 and addenda), a report relating to the implementation of a confidential decision adopted at the Commission's last session and such observations as may be received from the Governments concerned (to be issued in the E/CN.4/1992/R series). In addition, the Commission will have before it the relevant earlier material relating to the situations of which the Commission is seized. The above-mentioned confidential documents will be handed to the members of the Commission at the session.

105. Chapter X of the report of the Sub-Commission on the work of its forty-third session (E/CN.4/1992/2-E/CN.4/Sub.2/1991/65) is also relevant to this sub-item. In that connection, attention may be drawn to Sub-Commission decision 1991/104 of 27 August 1991, by which it concurred with the view of its Working Group on Communications that the procedure governed by Council resolution 1503 (XLVIII) could not be applied as a reparation or relief mechanism in respect of claims of compensation for human suffering or other losses which occurred during the Second World War.

Situation of human rights in various countries

106. At its forty-seventh session, the Commission considered, and took action on, the situation of human rights in the following countries:

(a) Situation of human rights in southern Lebanon. In its resolution 1991/66, the Commission decided to continue its consideration of the subject at its forty-eighth session. The Commission will have before it the report of the Secretary-General (E/CN.4/1991/36);

(b) Situation of human rights in Cuba. In its resolution 1991/68, the Commission requested the Secretary-General, after consultations with the Chairman and the Bureau of the Commission, to appoint a special representative, in accordance with Commission decision 1989/113, to maintain direct contact with the Government and citizens of Cuba on the issues and questions contained in, and associated with, the report of the mission which took place in Cuba and requested the special representative to report the results to the Commission at its forty-eighth session. The Economic and Social Council, in its decision 1991/252, approved the Commission's requests. On 2 July 1991, the Secretary-General appointed Mr. Rafael Rivas Posada (Colombia) as Special Representative of the Commission. The Commission will have before it the report of the Special Representative (E/CN.4/1991/27);

(c) Situation of human rights in Romania. In its resolution 1991/69, the Commission decided to extend the mandate of the Special Rapporteur, Mr. J. Voyame (Switzerland), for a further year and requested him to report to the Commission, at its forty-eighth session. The Economic and Social Council, in its decision 1991/253 approved this decision. The Commission will have before it the report of the Special Rapporteur (E/CN.4/1991/28);

(d) Situation of human rights in Iraq. In its resolution 1991/74, the Commission requested its Chairman, after consultations with the Bureau, to appoint an individual of recognized international standing in the field of human rights as special rapporteur of the Commission whose mandate would be to make a thorough study of the violations of human rights by the Government of Iraq and to submit an interim report thereon to the General Assembly at its forty-sixth session and a report to the Commission at its forty-eighth session. The Economic and Social Council, in its decision 1991/256 approved the Commission's requests. On 25 June 1991, the Chairman of the Commission appointed Mr. Max van der Stoel (Netherlands) as Special Rapporteur on the situation of human rights in Iraq. The Commission will have before it the report of the Special Rapporteur (E/CN.4/1991/31);

(e) Situation of human rights in El Salvador. In its resolution 1991/75, the Commission decided to extend the mandate of the Special Representative, Mr. José Antonio Pastor Riduejo (Spain), for a further year and to consider at its forty-eighth session the situation of human rights in El Salvador and the mandate of the Special Representative, taking into account developments of the human rights situation in that country. The Economic and Social Council, in its decision 1991/257 endorsed these decisions. The Commission will have before it the report of the Special Representative (E/CN.4/1991/32);

(f) Situation of human rights in Albania. In its resolution 1991/76, the Commission requested the Secretary-General to bring the resolution to the attention of the Government of Albania and to invite it to provide information regarding its implementation; the Commission also decided to continue its consideration of the situation of human rights in Albania at its forty-eighth session. The Commission will have before it the report of the Secretary-General (E/CN.4/1991/35);

(g) Situation of human rights in Afghanistan. In its resolution 1991/78, the Commission decided to extend the mandate of the Special Rapporteur, Mr. Felix Ermacora (Austria), for one year and requested him to report to

the General Assembly at its forty-sixth session and to the Commission at its forty-eighth session. The Economic and Social Council, in its decision 1991/259, approved the Commission's decision. The Commission will have before it the report of the Special Rapporteur (E/CN.4/1991/33);

(h) Situation of human rights in the Islamic Republic of Iran. In its resolution 1991/82, the Commission requested the Special Representative, Mr. Reynaldo Galindo Pohl (El Salvador), to maintain his contacts and cooperation with the Government of the Islamic Republic of Iran and to submit a report to be considered by the Commission at its forty-eighth session. The Economic and Social Council, in its decision 1991/261, approved the Commission's requests. The Commission will have before it the report of the Special Representative (E/CN.4/1991/34 and Add.1);

Cooperation with representatives of United Nations human rights bodies

107. In its resolution 1991/70, the Commission invited the Secretary-General to submit a report on alleged reprisals against witnesses or victims of human rights violations and decided to consider the question again at its forty-eighth session. The Commission will have before it the report of the Secretary-General (E/CN.4/1991/29);

Summary or arbitrary executions

108. At its forty-seventh session, the Commission adopted resolution 1991/71, in which it requested the Special Rapporteur, Mr. S. Amos Wako (Kenya), to continue to examine situations of summary and arbitrary executions and to report to the Commission at its forty-eighth session. At its present session the Commission will have before it the report of the Special Rapporteur (E/CN.4/1991/30 and Add.1).

Responsibility for violations of human rights and fundamental freedoms

109. In its resolution 1991/72, the Commission invited the competent United Nations bodies to consider the question of State responsibility for violations of international obligations in the field of human rights and fundamental freedoms and decided to consider the question again at its forty-eighth session.

Human rights and mass exoduses

110. At its forty-seventh session, the Commission adopted resolution 1991/73 in which the Commission, urged again the Secretary-General to allocate the necessary resources to consolidate and strengthen the system for undertaking early warning activities in the humanitarian area. At its meeting in April 1991, the Administrative Committee on Coordination (ACC) decided to establish an ad hoc working group on early warning, which was mandated to develop an effective early warning system relating to possible flows of refugees and displaced persons. This working group is composed of representatives of relevant specialized agencies and United Nations offices, including the Centre for Human Rights. It will report to the ACC at its second regular session in 1992.

Action of the Sub-Commission at its forty-third session

111. At its forty-third session, the Sub-Commission adopted resolution 1991/9, entitled "Situation of human rights in the Islamic Republic of Iran", in which it called upon the Commission, at its forty-eighth session, to extend the mandate of the Special Representative and the monitoring of the situation of human rights in the Islamic Republic of Iran.

112. At the same session, the Sub-Commission adopted resolution 1991/10, entitled "Situation in Tibet", in which it requested the Secretary-General to transmit to the Commission information on the situation in Tibet provided by the Government of China and by other reliable sources. At the present session the Commission will have before it a note by the Secretary-General transmitting the requested information.

113. Attention is also drawn to Sub-Commission decision 1991/108, entitled "Appeal concerning the civilian population in Iraq".

114. In the framework of the present item, the attention of the Commission is also drawn to the following resolutions adopted by the Sub-Commission, at its forty-third session: 1991/4 "Situation in South Africa", 1991/5 "Situation of human rights in Guatemala", 1991/6 "Situation in the Palestinian and other Arab territories occupied by Israel", 1991/7 "Situation of human rights in Kuwait", 1991/8 "Situation in Cambodia", 1991/11 "Situation of human rights in El Salvador" and 1991/13 "Situation of human rights in Iraq".

Documentation

115. Pursuant to its own resolutions, adopted at the forty-seventh session, as well as, in some instances, resolutions of the General Assembly, the Economic and Social Council and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Commission will have before it the following documentation:

(a) Report of the Secretary-General on the human rights situation in Cyprus (decision 1991/106), (E/CN.4/1992/25);

(b) Report of the Special Rapporteur on the situation of human rights in Kuwait under Iraqi occupation (resolution 1991/67, para.9), (E/CN.4/1992/26);

(c) Report of the Special Representative on the situation of human rights in Cuba (resolution 1991/68, para. 6), (E/CN.4/1992/27);

(d) Report of the Special Rapporteur on the human rights situation in Romania (resolution 1991/69, para. 6), (E/CN.4/1992/28);

(e) Report of the Secretary-General on reprisals against witnesses or victims of human rights violations (resolution 1991/70, para. 5), (E/CN.4/1991/29);

(f) Report of the Special Rapporteur on summary or arbitrary executions (resolution 1991/71, para. 4), (E/CN.4/1992/30 and Add.1);

(g) Report of the Special Rapporteur on the situation of human rights in Iraq (resolution 1991/74, para. 5), (E/CN.4/1992/31);

(h) Report of the Special Representative on the situation of human rights in El Salvador (resolution 1991/75, para. 13), (E/CN.4/1991/32);

(i) Report of the Special Rapporteur on the situation of human rights in Afghanistan (resolution 1991/78, para. 14), (E/CN.4/1992/33);

(j) Report of the Special Representative on the situation of human rights in the Islamic Republic of Iran (resolution 1991/82, para. 8), (E/CN.4/1992/34 and Add.1);

(k) Report of the Secretary-General on the human rights situation in Albania (resolution 1991/76, para. 4 (b)), (E/CN.4/1992/35);

(l) Report of the Secretary-General on the human rights situation in southern Lebanon (resolution 1991/66, para. 5 (b)), (E/CN.4/1992/36);

(m) Note by the Secretary-General on the situation in Tibet (pursuant to Sub-Commission resolution 1991/10, para. 2), (E/CN.4/1992/37).

Item 13. Measures to improve the situation and ensure the human rights and dignity of all migrant workers

116. Questions concerning the human rights of migrant workers have been the subject of attention at several sessions of the Commission. In its resolution 34/172 of 17 December 1979, the General Assembly decided to create at its thirty-fifth session a working group open to all member States to elaborate an international convention on the protection of the rights of all migrant workers and their families. Accordingly, at its thirty-fifth session, the General Assembly established an open-ended working group on this subject, whose mandate has since been renewed regularly.

117. The Working Group completed its task in June 1990 and transmitted the draft convention to the General Assembly for action in accordance with General Assembly resolution 44/155. The General Assembly, in resolution 45/158 of 18 December 1990, adopted the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

118. At its forty-seventh session, in resolution 1991/60, the Commission requested the Secretary-General to report on the status of the Convention to the Commission at its forty-eighth session.

119. At its present session, the Commission will have before it the report of the Secretary-General on the status of the Convention (E/CN.4/1992/38).

Item 14. Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination

120. In resolution 1991/11, adopted at its forty-seventh session, the Commission requested the Secretary-General to continue to inform the

Commission of the measures taken, pursuant to General Assembly resolution 42/47 of 30 November 1987, 44/52 of 8 December 1989 and 45/105 of 14 December 1990, to ensure that the necessary and additional resources are included in the programme budget for the biennium 1992-1993 to provide for the implementation of the activities of the Second Decade to Combat Racism and Racial Discrimination; to inform the Commission annually of the progress made in carrying out the plan of activities for 1992-1993 so that the Commission can make its contribution thereto; and to organize in 1991 a meeting of representatives of national institutions and organizations promoting tolerance and harmony and combating racism and racial discrimination with a view to exchanging experience on the promotion of such objectives. The Economic and Social Council, in its decision 1991/234, approved the latter request of the Commission.

121. Pursuant to Commission resolution 1991/11, the Secretary-General organized a meeting of representatives of national institutions and organizations, which took place from 7 to 9 October 1991, in Paris.

122. At its first regular session of 1991, the Economic and Social Council adopted resolution 1991/2 on the subject, in which it requested the Secretary-General to continue with the implementation of the activities for the period 1990-1993 and further requested him to continue to accord the highest priority to measures to combat apartheid. The Council also requested the Secretary-General, in his reports, to continue to pay special attention to the situation of migrant workers and their families.

123. At its present session, the Commission will have before it:

(a) The report of the Secretary-General on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (E/CN.4/1992/39);

(b) The annual report on racial discrimination submitted by the International Labour Organisation (E/CN.4/1992/40);

(c) The annual report on racial discrimination submitted by the United Nations Educational, Scientific and Cultural Organization (E/CN.4/1992/41);

(d) The report of the Meeting of Experts held at Nuuk, Greenland (E/CN.4/1992/42 and Add.1);

(e) The report of the Workshop on National Institutions (E/CN.4/1992/43).

Item 15. Status of the International Covenants on Human Rights

124. In its resolution 1991/16, the Commission requested the Secretary-General to submit to it, at its forty-eighth session, a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, including all reservations and declarations, and to include in that report information on the work of the Economic and Social Council and the Committee

on Economic, Social and Cultural Rights. Accordingly, the Commission will have before it information on the status of the International Covenants on Human Rights and the work of the Council and the Committee on Economic, Social and Cultural Rights (A/46/), as well as the reservations, declarations, notifications and objections relating to the International Covenant on Economic, Social and Cultural Rights (E/C.12/1988/1) and the International Covenant on Civil and Political Rights and the Optional Protocol thereto (CCPR/C/2/Rev.2).

Item 16. Effective functioning of bodies established pursuant to United Nations human rights instruments

125. This item is included in the provisional agenda of the Commission pursuant to its resolution 1991/20, entitled "Effective functioning of bodies established pursuant to United Nations human rights instruments".

126. In resolution 1991/20, adopted at the forty-seventh session, the Commission requested the Secretary-General to report to the current session of the Commission on the comments of treaty bodies other than the Human Rights Committee on the study of possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations human rights instruments; requested the Secretary-General to give consideration to the proposal endorsed by the second and third meetings of persons chairing the human rights treaty bodies and by the Committee on Economic, Social and Cultural Rights, to establish a committee resource room for the purpose of gathering and facilitating access to the various sources of information that were indispensable for the effective functioning of various treaty bodies; requested the General Assembly to mandate the Secretary-General to take the appropriate steps in order to finance the meetings of persons chairing the human rights treaty bodies from the available resources of the regular budget of the United Nations, when necessary, with the proviso that reimbursement should eventually be made in every instance from the contributions of States parties to those conventions or from other appropriate sources; requested the Secretary-General to submit to the General Assembly at its forty-sixth session a report examining the financial, legal and other implications of providing full funding for the operation of all human rights treaty bodies; and requested the Secretary-General to prepare an inventory of all international human rights standard-setting activities in order to facilitate better informed decision-making.

127. At its forty-eighth session the Commission will have before it the report of the Secretary-General pursuant to Commission resolution 1991/20 (E/CN.4/1992/44).

Item 17. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-third session

128. The report of the Sub-Commission is considered annually by the Commission. The report of the Sub-Commission on its forty-third session is contained in document E/CN.4/1992/2-E/CN.4/Sub.2/1991/65.

129. At its forty-third session, the Sub-Commission adopted 39 resolutions and 19 decisions, which are reproduced in the report.

Draft resolutions and decisions for action by the Commission on Human Rights

130. Chapter I, sections A and B, of the report of the Sub-Commission contains 10 draft resolutions and 15 draft decisions proposed to the Commission for action. They are as follows:

Draft resolutions

I. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist regime of South Africa

II. The right to a fair trial

III. Habeas corpus

IV. Human rights and disability

V. Human rights and youth

VI. Protection of minorities

VII. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

VIII. Fraudulent enrichment of top State officials prejudicial to the public interest

IX. Draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others

X. Question of the Palestinian and other Arab territories occupied by Israel

Draft decisions

1. Question of human rights and states of emergency

2. Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities

3. Traditional practices affecting the health of women and children

4. Human rights and the environment

5. The right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms

6. Realization of economic, social and cultural rights

7. Draft universal declaration of indigenous rights

8. Economic and social relations between indigenous peoples and States

9. Ownership and control of the cultural property of indigenous peoples

10. Working Group on Contemporary Forms of Slavery

11. Study on problems and causes of discrimination against HIV-infected people or people with AIDS

12. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

13. International Year for the World's Indigenous Peoples

14. Working Group on the methods of work of the Sub-Commission

15. The right to freedom of opinion and expression

Resolutions and decisions of the Sub-Commission drawn to the attention of the Commission on Human Rights

131. Chapter I, section C, of the Sub-Commission's report, lists the resolutions and decisions of the Sub-Commission which are drawn to the Commission's attention for its consideration or action.

Report of the Chairman of the Sub-Commission

132. In its resolution 1991/56, the Commission called upon the Sub-Commission, in the fulfilment of its functions and duties, to be guided by the relevant resolutions of the Commission and the Economic and Social Council. The Commission reaffirmed that the Sub-Commission could best assist the Commission by providing it with recommendations based on the different views and perspectives of independent experts, which should be appropriately reflected in the Sub-Commission's report as well as in the expert studies carried out under its auspices. Further, the Commission requested the Chairman of the Sub-Commission to report to the Commission on the implementation of the guidelines contained in Commission resolution 1991/56.

133. In the same resolution, the Commission invited its Chairman, Mr. Bernales Ballesteros, to inform the Sub-Commission on the debate at the forty-seventh session of the Commission under this item. The Chairman of the Commission addressed the forty-third session of the Sub-Commission, at its 14th meeting, on 15 August 1990 (see E/CN.4/Sub.2/1991/SR.14).

134. At the present session, the Commission will have before it under this item the following documents:

(a) Report of the Sub-Commission on its forty-third session (E/CN.4/1992/2-E/CN.4/Sub.2/1991/65);

(b) Report of the Secretary-General containing an analytical summary of replies concerning the draft programme of action for prevention of sale of children, child prostitution and child pornography and the draft programme of action for the elimination of the exploitation of child labour (E/CN.4/1992/45);

(c) Report of the Chairman of the Sub-Commission pursuant to Commission resolution 1991/56 (E/CN.4/1992/46);

(d) Note by the Secretary-General transmitting the report of the Working Group on a draft declaration on the right of everyone to leave any country, including his own, and to return to his country (E/CN.4/1992/47).

Item 18. Rights of persons belonging to national, ethnic, religious and linguistic minorities

135. At its thirty-fourth session, the Commission established an informal open-ended working group to consider questions related to the drafting of a declaration on the rights of members of minority groups, on the basis of a text proposed by Yugoslavia (E/CN.4/L.1367) which was intended to serve as a starting-point for an exchange of views. The Commission has continued to examine this question at each of its subsequent sessions, at which a sessional open-ended working group has been established by the Commission to consider the matter.

136. At its forty-seventh session, in resolution 1991/61, the Commission decided to consider this question again at its forty-eighth session. In the same resolution, the Commission recommended to the Economic and Social Council that it authorize an open-ended working group of the Commission to meet for 20 fully-serviced meetings in an inter-sessional session at the beginning of December 1991 to complete its second reading of the draft declaration, with a view to submitting the text to the Commission at its forty-eighth session. The Council, in resolution 1991/30, endorsed this request.

137. The Sub-Commission also examined the question, at its thirty-second, thirty-third, thirty-seventh, thirty-eighth, fortieth and forty-first sessions (Sub-Commission decisions 1 (XXXII), 1 (XXXIII) and 1984/101 and resolutions 1985/6, 1988/36 and 1989/44).

138. At its fortieth session, the Sub-Commission adopted resolution 1988/36, in which it invited Mrs. Claire Palley to prepare a working paper on possible ways and means to facilitate the peaceful and constructive resolution of situations involving racial, national, religious and linguistic minorities. At its forty-first session, the Sub-Commission adopted resolution 1989/44, in which it decided to entrust Mr. Asbjørn Eide with the preparation of a further report on national experience in facilitating the peaceful and constructive solution of problems involving minorities.

139. At its forty-third session, having considered the preliminary report submitted by Mr. Eide (E/CN.4/Sub.2/1991/43), the Sub-Commission adopted resolution 1991/22, in which it requested the Special Rapporteur to submit an updated report to the Sub-Commission at its forty-fourth session and his final report at its forty-fifth session. The Sub-Commission also requested the Secretary-General to prepare, with the cooperation of the Special Rapporteur, the technical meeting of experts on minorities provided for in Commission resolution 1991/62, with a view to it taking place in 1992.

140. At its forty-eighth session, the Commission will have before it the report of the Working Group established under Economic and Social Council resolution 1991/30 (E/CN.4/1992/48), and draft resolution VI contained in chapter I, section A, of the report of the Sub-Commission (E/CN.4/1992/2-E/CN.4/Sub.2/1991/65).

Item 19. Advisory services in the field of human rights

141. At its forty-seventh session, in resolution 1991/49, the Commission requested the Secretary-General to continue to elaborate comprehensive programmes of advisory services and technical cooperation financed under the Voluntary Fund for Technical Cooperation in the Field of Human Rights and to report annually to the Commission on the operation and administration of the Fund.

142. In resolution 1991/50, the Commission requested the Secretary-General to report to the Commission, at its forty-seventh session, on the progress made in the implementation of the programme of advisory services in the field of human rights.

143. In resolution 1991/77, the Commission requested its Chairman to appoint an independent Expert to examine the developments in the human rights situation in Haiti and report to the Commission at its forty-eighth session. The Economic and Social Council, in decision 1991/258 approved the Commission's request. On 3 May 1991, the Chairman appointed Mr. Bruni Celli (Venezuela) as Special Rapporteur of the Commission.

144. In resolution 1991/80, the Commission requested the Secretary-General to extend the mandate of the Expert, Mr. Fernando Volio Jiménez, responsible for cooperating with the Government of Equatorial Guinea in the full implementation of the Plan of Action proposed by the United Nations and accepted by the Government. It requested the Expert to report to the Commission at its forty-eighth session. The Economic and Social Council, in decision 1991/260, approved the Commission's request to the Secretary-General.

145. At its present session, the Commission, under this item, will have before it the following documents:

(a) The report of the Secretary-General on advisory services and technical cooperation in the field of human rights, including the operation and administration of the Voluntary Fund (E/CN.4/1992/49);

(b) The report of the independent Expert on the situation of human rights in Haiti (E/CN.4/1992/50);

(c) The report of the Expert on Equatorial Guinea (E/CN.4/1992/51).

Item 20. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

146. After the proclamation by the General Assembly in 1981 of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (resolution 36/55), the consideration of measures to

implement the Declaration was taken up, at the request of the Assembly, by the Commission and the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

147. At its forty-second session, in its resolution 1986/20, the Commission decided to appoint a special rapporteur to examine incidents and governmental actions which were inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. Mr. Angelo Vidal D'Almeida Ribeiro (Portugal) was appointed Special Rapporteur; his mandate was extended by the Commission at subsequent sessions and most recently, in resolution 1990/27, for two years.

148. At its forty-seventh session, the Commission adopted resolution 1991/48, in which it invited the Special Rapporteur, in carrying out his mandate, to continue to bear in mind the need to be able to respond effectively to credible and reliable information that came before him and to seek the views and comments of the Government concerned on any information which he intended to include in his report.

149. At its present session, the Commission will have before it the report of the Special Rapporteur (E/CN.4/1992/52).

Item 21. Drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

150. This item was included in the agenda of the forty-eighth session in accordance with Commission resolution 1991/63, adopted at its forty-seventh session. In the same resolution, the Commission decided to continue at its forty-eighth session its work on the elaboration of the draft declaration. The Commission recommended to the Economic and Social Council that it authorize an open-ended working group to meet for a period of two weeks prior to the forty-eighth session of the Commission. The Council, in its resolution 1991/31, gave its authorization.

151. At its forty-eighth session, the Commission will have before it the report of the working group (E/CN.4/1992/53), scheduled to meet from 13 to 24 January 1991.

Item 22. Rights of the Child, including:

(a) Status of the Convention on the Rights of the Child;

(b) Report of the Special Rapporteur on the sale of children;

(c) Programme of action for the elimination of the exploitation of child labour;

(d) Draft programme of action for the prevention of the sale of children, child prostitution and child pornography.

152. This item was included in the agenda of the forty-eighth session in accordance with Commission resolutions 1991/52, 1991/53, 1991/54 and 1991/55.

Sub-item (a) Status of the Convention on the Rights of the Child

153. At its forty-seventh session, the Commission adopted resolution 1991/52, in which it requested the Secretary-General to submit a report on the status of the Convention on the Rights of the Child to the Commission at its forty-eighth session.

154. At the present session, the Commission will have before it the report of the Secretary-General on the status of the Convention on the Rights of the Child (E/CN.4/1992/54).

Sub-item (b) Report of the Special Rapporteur on the sale of children

155. At its forty-sixth session, the Commission adopted resolution 1990/68, in which it decided to appoint a Special Rapporteur to consider matters relating to the sale of children, child prostitution and child pornography, including the problem of the adoption of children for commercial purposes. The Economic and Social Council, in decision 1990/240, requested the Chairman of the Commission to appoint, for a period of two years, a Special Rapporteur on the subject. On 10 September 1990, the Chairman of the Commission appointed Mr. Vitit Muntarbhorn (Thailand) as Special Rapporteur of the Commission on the sale of children.

156. The Commission at its forty-seventh session adopted resolution 1991/53, in which it requested the Special Rapporteur to continue to carry out his work in the light of the mandate as enunciated in Commission resolution 1990/68. It also requested the Special Rapporteur to report on his activities to the Commission at its forty-eighth session.

157. At its present session, the Commission will have before it the report of the Special Rapporteur (E/CN.4/1992/55 and Add.1).

Sub-item (c) Programme of action for the elimination of the exploitation of child labour

158. At its forty-seventh session, the Commission adopted resolution 1991/55, in which it endorsed the views expressed by the Sub-Commission on the need to adopt a concerted programme of action to combat the exploitation of child labour. The Commission further decided to transmit to Governments, the specialized agencies and intergovernmental and non-governmental organizations for their comments the programme of action for the elimination of the exploitation of child labour and requested the Secretary-General to submit an analytical summary of the replies received to the Commission at its forty-eighth session.

159. At its present session, the Commission will have before it the report of the Secretary-General containing an analytical summary of replies concerning the draft programme of action (E/CN.4/1992/45).

Sub-item (d) Draft programme of action for the prevention of the sale of children, child prostitution and child pornography

160. At its forty-seventh session, the Commission adopted resolution 1991/54, in which it decided to refer to the Sub-Commission the draft programme of action so that it might make the necessary amendments in the light of the opinions received from Governments, the specialized agencies and intergovernmental and non-governmental organizations. The Commission further requested the Sub-Commission, in its reformulation of the programme of action, fully to reflect the 10-point programme of the World Declaration on the Survival, Protection and Development of Children adopted by the World Summit for Children on 30 September 1990, and requested the Sub-Commission to give the highest priority to the reformulation of the programme of action so that it might be adopted by the Commission at its forty-eighth session.

Item 23. Election of members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

161. In accordance with Economic and Social Council resolutions 1334 (XLIV) of 31 May 1968 and 1986/35 of 23 May 1986 and decisions 1978/21 of 5 May 1978 and 1987/102 of 6 February 1987, the Commission on Human Rights, at its forty-fourth session in 1988, elected 26 members of the Sub-Commission, as well as their alternates, from nominations of experts made by States Members of the United Nations on the following basis: (a) seven members from African States; (b) five members from Asian States; (c) three members from Eastern European States; (d) five members from Latin American States; (e) six members from Western European and other States.

162. Pursuant to the procedure established in Council resolution 1986/35, members of the Sub-Commission were to be elected for a term of four years and a half of its membership and the corresponding alternates, if any, were to be elected every two years. The Chairman of the forty-fourth session of the Commission on Human Rights drew lots to select the members and, as applicable, their corresponding alternates whose term of office should expire after two years in accordance with the following pattern: three members from African States; three members from Asian States; one member from Eastern European States; three members from Latin American States; and three members from Western European and other States.

163. As the term of office of half of the membership of the Sub-Commission has expired, the Commission on Human Rights is called upon to elect Sub-Commission members and alternates in accordance with the following pattern: three members from African States; three members from Asian States; one member from Eastern European States; three members from Latin American States; and three members from Western European and other States.

164. At its forty-eighth session, the Commission will have before it a note by the Secretary-General (E/CN.4/1992/56 and Add.) containing the names and biographical data of the candidates nominated for election by member States.

165. In its resolution 1991/56, the Commission on Human Rights called upon States to nominate as members and alternates persons meeting the criteria of independent experts who should discharge in that capacity their functions as

members of the Sub-Commission. The Sub-Commission, in its resolution 1987/32, recommended that the Commission on Human Rights try and prevail upon all Governments to nominate more women for election to the Sub-Commission.

166. The attention of the Commission is further drawn to Economic and Social Council resolution 1983/32, by which the Council decided that, notwithstanding rule 13, paragraph 2, of the rules of procedure of the functional commissions of the Council, certain rules should henceforth apply to the Sub-Commission. Under these rules, the nomination of a candidate for membership of the Sub-Commission may be accompanied by a nomination of an expert of the same nationality to be elected simultaneously with the candidate for membership and who may serve temporarily as an alternate if the member is unable to attend, the qualifications for alternates are to be the same as for members and no person may serve as an alternate for a member except the expert so elected.

Item 24. World Conference on Human Rights

167. The item was included in the provisional agenda of the forty-eighth session of the Commission in accordance with Commission resolution 1991/30, in which it also requested the Secretary-General to report on progress in the preparations for the World Conference.

168. At its present session, the Commission will have before it a note by the Secretary-General on progress in the preparations for the World Conference on Human Rights (E/CN.4/1991/57).

Item 25. Draft provisional agenda for the forty-ninth session of the Commission

169. Rule 9 of the rules of procedure provides that, at each session of the Commission, the Secretary-General shall submit a draft provisional agenda for the Commission's subsequent session, indicating in respect of each agenda item the documents to be submitted under that item and the legislative authority for their preparation, in order to enable the Commission to consider the documents from the point of view of their contribution to its work and of their urgency and relevance in the light of the current situation.

170. The Commission will have before it, before the conclusion of the forty-eighth session, a note for its consideration containing a draft provisional agenda for its forty-ninth session, together with information concerning the corresponding documentation (E/CN.4/1992/L.1).

Item 26. Report to the Economic and Social Council on the forty-eighth session of the Commission

171. Rule 37 of the rules of procedure provides that the Commission shall submit to the Council a report, which shall normally not exceed 32 pages, on the work of each session containing a concise summary of recommendations and a statement of issues requiring action by the Council. It shall as far as practicable frame its recommendations and resolutions in the form of drafts for approval by the Council.

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ANNOTATIONS TO THE PROVISIONAL AGENDA

Prepared by the Secretary-General

Corrigendum

After paragraph 90, insert the following paragraph:

90a. In resolution 1990/73, adopted at its forty-sixth session, the Commission requested the Secretary-General to convene a workshop, with the participation of national and regional institutions for the promotion and protection of human rights, to review, inter alia, their cooperation with international institutions such as the United Nations and its bodies, with a view to increasing their effectiveness nationally and internationally. The Economic and Social Council, in its decision 1990/224, approved the request of the Commission.

Paragraph 91

Add the following sentence at the end of the paragraph:

At its present session, the Commission on Human Rights will have before it a report containing the proceedings and recommendations of the International Workshop on National Institutions for the Promotion and Protection of Human Rights, held in Paris from 7 to 9 October 1991 (E/CN.4/1992/43).

Paragraph 92

Add the following sentence at the end of the paragraph:

At the present session, the Commission will have before it a report by the Secretary-General (E/CN.4/1992/21).

Paragraph 123

Delete item (e).

Paragraph 162

Delete the second sentence.

Paragraph 163

For the existing text substitute:

163. At its forty-eighth session the Commission on Human Rights is called upon to elect Sub-Commission members and alternates in accordance with the following pattern: four members from African States; two members from Asian States; two members from Eastern European States; two members from Latin American States; and three members from Western European and other States.

Paragraph 168

The doucment number of the note by the Secretary-General should read E/CN.4/1992/57.